

**REMARKS****Information Disclosure Statement**

Applicant thanks the examiner for the comments regarding the information disclosure statement. The examiner considered the prior art cited in applicant's information disclosure statement. The two patent publications identified on page 10, line 17 of the application, were cited only to show flame retardant materials. The examiner cited one publication in his search. The other publication shows only a composition, with no drawings. Because applicant does not claim any flame retardant material, those publications are believed irrelevant and therefore no additional citation of art is needed.

**Drawings**

The examiner indicated that certain listed reference numerals were on the drawing but not in the specification, and required correction of the specification or the drawings. Of the reference numerals listed by the examiner, reference numeral 42 is found in the specification, page 6, line 12. Applicant's attorney was unable to find reference numeral 45 on the drawings. The other reference numerals have been inserted in the specification by the above amendment.

**Specification**

Page 7, paragraph [0022] and page 8, paragraph [0024] have been corrected. Applicant thanks the examiner. Applicant's attorney has reread the application and found

no other errors, but it is difficult to accurately proofread a document that one has read several times.

### Claim Rejections

Although the prior art shows no candle that is constructed or operates like applicant's invention as illustrated in the drawings or described in the specification, applicant's attorney recognizes that it is the examiner's job to base the office action on the claims. The claims recite that there is a "solid fuel body" that includes "an upper fuel region" and "a lower fuel region". Applicant's attorney, in drafting the original claims, viewed the statement that a body has an upper region and a lower region to mean that one region is vertically above the other and so that the other region is vertically beneath the first. However, the examiner seems to have interpreted those words as including two side by side bodies, each extending up and down, with one extending to a level higher than the other. Applicant's attorney also interpreted the word "below" and meaning underneath, while the examiner seems to have interpreted that word as meaning at a lower level, regardless of whether the lower temperature wax was underneath the higher temperature wax or beside it at a lower level. In order to clarify these limitations and limit the claim to applicant's intended meaning, the claims are amended to more narrowly define and limit the invention to the invention described in the specification and illustrated in the drawings.

Applicant will first summarize the invention and then explain the amendments and distinctions from the prior art.

As explained in more detail in the specification, applicant's invention is to place a lower melting point candle fuel below (in the sense of vertically beneath) the candle wick so that, as the candle burns down to the lower melting point candle fuel, the lower melting point candle fuel will form a larger pool of liquid and the burning wick will fall into that liquid and be extinguished. This operation of the invention is described in paragraphs [0025], [0026] and [0031] of the specification.

None of the prior art teaches that concept or anything like it, and none of the prior art candles are capable of operating that way. No prior art shows a lower melting point candle fuel located axially below or vertically below the higher melting point candle fuel where the wick can fall into it. The prior art shows outer shells of a higher melting point wax with a lower melting point inner core so that the outer shell can be refilled and reused. While the higher melting point outer shell of the prior art does extend to a higher level than the bottom of the wick and the lower melting point cores extend below and above the bottom of the wick, the two are not arranged one beneath the other in the prior art. Instead, in the prior art, the waxes of differing melting points are located side by side. Consequently, they could not operate as applicant's invention does and could not have its extinguishing advantages.

In order to make it clear that the two fuel bodies, that have two different melting point temperatures, are located one above the other and one beneath the other, applicant added two limitations to the claims.

Applicant added the limitation that the lower fuel region is "axially" below the wick. The added limitation is not new matter because paragraph [0024] of the application

as filed begins with the statement "The lower fuel region 16 is located axially below the wick...".

Applicant has also added the limitation that the lower fuel region is located vertically below the upper region. While this is believed implicit in the recitation that the solid fuel body has an upper region and a lower region, it also clarifies and removes any difference in interpretation. This limitation is not new matter because, although the word "vertical" is not used in the specification, the upper and lower regions are shown that way in the drawings and it is clear from the explanation of the operation of the invention (paragraphs [0025], [0026] and [0031]) and the direction of gravity that the lower melting point candle fuel is vertically below the wick because it must be in order for the wick to "sink" and "become submerged" in the lower melting point candle fuel as the candle burns to the bottom (quotes from paragraph [0025]). MPEP 2163.07(a) includes the explanation: "By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it. The application may later be amended to recite the function, theory or advantage without introducing prohibited new matter." (emphasis added)(citations omitted) "To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. ..." MPEP 2163.06 includes: "Stated another way, information contained in any one of the specification, claims or drawings of the application as filed may be added to any other

part of the application without introducing new matter." Similarly, MPEP 2163 I. B. includes the statement: "While there is no in haec verba requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure."

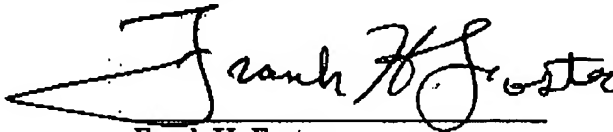
Because all the independent claims 1, 12 and 20 now describe structures and method steps clearly not shown in the prior art and therefore not obvious from the prior art, reconsideration and allowance are respectfully requested.

The examiner is authorized to communicate with the undersigned attorney by email by the following recommended authorization language: Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file. (Authorization pursuant to MPEP 502.03.)

The Commissioner is authorized to charge Deposit Account No. 13-3393 for any insufficient fees under 37 CFR §§ 1.16 or 1.17, or credit any overpayment of fees.

Respectfully submitted,

1/20/2006  
Date of Signature



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**Attachments: Petition for Extension of Time (1 month)  
Fee Transmittal Form  
Credit Card Payment Form**

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